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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,628	02/24/2004	Xiong Liu	STL11426	2953

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FELLERS, BLANKENSHIP, BAILEY, TIPPENS P.C.
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EXAMINER

NEGRON, DANIEL L

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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07/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/785,628

Applicant(s)

LIU ET AL.

Examiner

Daniell L. Negrón

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-18, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-12 and 15-17 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 14 and 18 is/are rejected.
- 7) ☒ Claim(s) 3-5, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The indicated allowability of claims 1, 2, and 14 are withdrawn in view of the newly discovered reference to Szita U.S. Patent Application No. 2002/0067567. Rejections based on the newly cited reference follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 14, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Szita U.S. Patent Application No. 2002/0067567.

Regarding claim 1, Szita discloses a method comprising determining a head positioning profile for a first track in relation to a track profile (i.e., position measurements) for the first track (k+1) and a track profile for a second track (k), see paragraph 94, the method further comprising a prior step of comparing the track profile for the first track to a predetermined threshold (i.e., difference between measurements), and performing the determining step in relation to said comparison (paragraphs 93-94). Furthermore, it is considered that Szita discloses the comparing step since the first track position measurement is compared to the position measurement of the predetermined second track (paragraph 93).

Regarding claim 2, Szita discloses a method wherein each track profile is a PES RRO (i.e., position measurements) profile.

Regarding claim 14, Szita discloses a method wherein the first (k+1) and second (k) tracks are disposed on a rotatable data storage medium (Fig. 1 and disclosure thereof).

Regarding claim 18, claim 18 has limitations similar to those treated in the above rejection of claim 1, and are met by the reference as discussed above.

Allowable Subject Matter

4. Claims 6-12 and 15-17 are allowed.

Regarding claims 6-10, 15, and 16, reasons for allowance are as discussed in the previous Office action mailed July 26, 2006.

Regarding claims 11, 12, and 17, reasons for allowance are as discussed in the previous Office action mailed January 18, 2006.

5. Claims 3-5, 20, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 3 and 20, prior art fails to explicitly disclose or suggest a method comprising all the limitations of claims 1 and 18 respectively, further wherein the head positioning profile of the determining step is further generated in relation to a track profile for a third track.

Regarding claims 4, 5, and 21, prior art fails to explicitly disclose or suggest a method comprising all the limitations of claims 1 and 18 respectively, further wherein a track profile is

Art Unit: 2627

represented by WI, the first track is represented by n , the second track is represented by $n-1$, and the third track is represented by $n+1$, the head positioning profile is represented by $ZAP(n)$, and wherein $ZAP(n) = -WI(n) - \alpha * [WI(n-1) + WI(n+1)]$, wherein α is a value between 0 and 1.

Response to Arguments

6. Applicant's arguments with respect to claims 18 and 19 have been considered but are moot in view of the new ground of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniell L. Negrón whose telephone number is 571-272-7559.

The examiner can normally be reached on Monday-Friday (8:30am-5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DLN/
Daniell L. Negrón
Art Unit 2627
June 22, 2007


WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600